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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,781	12/29/2003	Frederick A. Jelley	60130-1734;02MRA364,368	6425
26096	7590	05/10/2007	EXAMINER	
CARLSON, GASKEY & OLDS, P.C.			BURCH, MELODY M	
400 WEST MAPLE ROAD			ART UNIT	PAPER NUMBER
SUITE 350			3683	
BIRMINGHAM, MI 48009				
MAIL DATE		DELIVERY MODE		
05/10/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/747,781	JELLEY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Melody M. Burch	3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 20 February 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) 7,9-11 and 16 is/are withdrawn from consideration.  
5)  Claim(s) 2 and 3 is/are allowed.  
6)  Claim(s) 1,4-6,8,12-15 and 17-22 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 29 December 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5)  Notice of Informal Patent Application  
6)  Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-6, 8, 12-15, and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 3921764 to Mathauser.

Re: claims 1, 12-15, 17, and 18. Mathauser shows in figures 4 and 5 a self-energizing brake assembly comprising a support 49,51,52 pivotally mounted at an angle relative to a rotatable brake member RW and a friction member 31' pivotally mounted relative to the support via element 56 and movable along the support between engaged figure 5 and disengaged figure 4 positions with the rotatable brake member to generate a braking force between the friction member and the rotatable brake member wherein the angle of the support is variable for controlling a self-energizing gain in the braking force.

Re: claims 4 and 6. Mathauser shows in figure 5 the assembly comprising an adjustable member 38' biasing the support toward the rotatable brake member.

Re: claim 5. Mathauser shows the assembly comprising a compliant member 40 as best shown in figure 2.

Re: claim 8. Mathauser shows in figures 4 and 5 a drive actuator 38' to apply a force to the friction member by decreasing the angle between the rotatable brake member and the support.

Re: claims 19-22. Mathauser shows in figures 4 and 5 a self-energizing brake assembly comprising a support 48,49,52 pivotally mounted at an angle relative to a rotatable brake member RW, a brake pad friction element 30',31' pivotally attached to a base 50 movable along the support, particularly portion 52 of the support between an engaged position and a disengaged position with the rotatable member to generate a brake force against movement of the rotatable member wherein the braking force comprises an applied force and a gain component generated in excess of the applied force, and an actuator or the manual means used to adjust 27' within 28 for varying the angle of the support for controlling the gain component of the braking force.

***Allowable Subject Matter***

3. Claims 2 and 3 are allowed.

***Response to Arguments***

4. Applicant's arguments with respect to rejected claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmbr  
May 8, 2007

*Melody M. Burch*  
*Melody Burch*  
*Primary Examiner*  
*5/8/07*